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Office of the Director
Group 3600

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In re application of
John Ronald Hughes et al.

Application No. 09/808,001

Filed: March 14, 2001

For: TECHNICAL STANDARD REVIEW
AND APPROVAL

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the renewed request filed on April 7, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application. There is no fee for this request.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

A Request for Withdrawal as Attorney was filed on August 14, 2002. The request was not approved in a decision mailed November 20, 2002 wherein it was held that the above identified application lacked condition A) in that all the attorneys given power in the original Declaration/Power of Attorney are not listed as being withdrawn in the Request for Withdrawal of Attorney. The renewed Request filed January 13, 2003 was not accepted for the same reason.

The renewed Request to Withdraw as Attorney as filed on April 7, 2003 is not accepted in the above-identified application because the request still lacks conditions A) above.

All the attorneys given power in the original Declaration/Power of Attorney are not listed as being withdrawn in the renewed Request for Withdrawal of Attorney. If such attorneys are to maintain power of attorney, such intent should be clearly stated. Otherwise, they must be listed as being withdrawn.



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RAR/dxn: 8/28/03